

CHAPTER 27 SPECIAL PARKING PRIVILEGES FOR PHYSICALLY DISABLED

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2700 GENERAL PROVISIONS

- 2700.1 This chapter shall apply to special parking privileges for physically disabled persons and is issued in accordance with D.C. Laws 7-219 and 4-94.
- 2700.2 This chapter shall apply upon application for a reserved parking space or upon an initial or renewal application for special license tags or a special parking permit.

2701 ELIGIBILITY

- 2701.1 A disable resident or non-resident of the District of Columbia may apply to the Director to obtain the privileges granted under this section, if the individual meets the following requirements:
 - (a) Has permanently lost the use of one (1) or both legs;
 - (b) Is so severely disabled as to be unable to walk without the aid of a mechanical device. The term mechanical device for purposes of this section, includes wheelchairs, walkers, crutches, long leg braces, and may include canes;
 - (c) Suffers from any respiratory disease or ailment, as determined by the Director, after consideration of the extent that the Arterial PO₂ is less than sixty (60 mm Hg), the Forced Vital Capacity ("FVC") is less than fifty percent (50%) of the predicted value, the Forced Expiratory

Volume in one (1) second (FEV1) is less than forty percent (40%) of the predicted value and the FEV1/FVC is less than forty percent (40%) of the actual value when measured in liters by a spirometer based on predicted normal values for the individual's sex, age, and height as set forth in tables 2 through 7 on pages 89-94 of the "American Medical Association: Guides to the Evaluation of Permanent Impairment," 2nd ed. Chicago, American Medical Association, 1984;

- (d) Has a physical disability, as certified by a licensed physician and determined by the Director, that is permanent, and that substantially impairs the individual's mobility; or
- (e) Has a physical disability, as certified by a licensed physician and determined by the Director, that is not permanent, but that substantially impairs the individual's mobility for no less than five (5) weeks.

2702 APPLICATION: GENERAL

2702.1 Each application for special license tags or a special parking permit pursuant to this chapter, shall be made on a form furnished by the Director.

2702.2 Each application for special license tags or a special parking permit. shall state the following:

- (a) Applicant's full true and legal name (including middle name(s) and surname;
- (b) Date of birth;
- (c) Social security number;
- (d) Residential address, including zip code;
- (e) Ward;
- (f) Home and office telephone number; and
- (g) A brief description of applicant, including but not limited to, applicant's sex, height, weight, color of eyes, and color of hair.

2702.3 An applicant for special license tags or a special parking permit, other than the one-week permit provided for in § 2702.4, shall submit a licensed physician's certification on a form provided by the Director establishing his or her eligibility under 2701.1(a) through (e), except that persons applying in person may not be required to submit such a certification if the Director can determine through observation that they meet the requirements of § 2701.1(a) or (b). A physician's certification shall contain the physician's name, medical license number, signature, address, and telephone number.

2702.4 The Director may issue a one-week special parking permit, one (1) time per year per applicant; provided the applicant establishes, to the Director's satisfaction, that:

- (a) The applicant's special license tags are on a vehicle that is being repaired;
or
 - (b) The applicant has, or will have, a temporary disability that substantially impairs his or her mobility and the applicant has not been issued a District of Columbia special license tag.
- 2702.5 The Director shall review each application submitted for special license tags or a special parking permit pursuant to this chapter and shall determine whether or not the applicant meets the requirements of § 2701.1.
- 2702.6 The Director may require additional information in order to make a determination of the eligibility of the applicant.
- 2702.7 Applicants qualifying for disabled parking privileges pursuant to this chapter may be issued special license tags for one vehicle only.
- 2702.8 All original applicants and all renewal applicants for special license tags or a special parking permit provided for by this chapter, who make application within the first twelve (12) months from the effective date of this chapter, shall in addition to forms required by chapter 4 of this title for registration of a motor vehicle, submit an application on the form prescribed by the Director pursuant to § 2701.2.
- 2702.9 Applicants for renewal of special license tags or a special parking permit, may be required to recertify continued eligibility every two (2) years or at intervals determined by the Director.

2703 APPLICATION: RESERVED PARKING SPACE

- 2703.1 Each application for a reserved on-street parking space pursuant to § 2710, shall be made on a form furnished by the Director. Each applicant shall first have been qualified or requalified for special license tags or a special parking permit since the effective date of this chapter.
- 2703.2 Each application for a reserved space shall state the following:
- (a) Applicant's full true and legal name;
 - (b) Date of birth;
 - (c) Social security number;
 - (d) Occupation;
 - (e) Residential address, including zip code;
 - (f) Ward;
 - (g) Home and office telephone number; and
 - (h) A brief description of applicant, including but not limited to, applicant's sex, height, weight, color of eyes, and color of hair.
- 2703.3 Each application for a reserved space shall provide specific information relative to the following:

- (a) Applicant's place of residence;
 - (b) Availability of off-street parking at or in proximity to the residence;
 - (c) Inability to utilize alternative modes of transportation;
 - (d) Accessibility of parking in vicinity of applicant's residence; and
 - (e) Other information as may be required by the Director.
- 2703.4 Each application shall contain a licensed physician's assessment of the applicant's degree of immobility which precludes the utilization of alternative modes of transportation, or the inability to utilize parking, if available, in vicinity of applicant's residence.
- 2703.5 Each application shall indicate in feet, the following:
- (a) The distance from applicant's residence to the nearest available off-street parking;
 - (b) The maximum distance the applicant can reasonably be expected to ambulate or to propel a wheelchair; and
 - (c) Environmental conditions which affect utilization of the available parking, including terrain and weather.
- 2703.6 Each applicant for a reserved parking space shall have the completed application notarized.
- 2703.7 Upon receipt of an application for a reserved parking space pursuant to this chapter, the Director shall cause public notice of the pending request to be published in the District of Columbia Register. A copy of the notice shall at the same time be mailed to the applicant's Advisory Neighborhood Commissioner. The Commissioner shall have a period of thirty (30) days within which to comment on the pending request.
- 2703.8 The Director shall make an assessment of the availability and accessibility of off-street parking at applicant's residence or in the nearby vicinity, and the applicant's inability to utilize alternative modes of transportation.
- 2703.9 In considering any application for a reserved space under this section, the Director may gather information from any source deemed necessary and appropriate to assist in making a determination to approve or deny an application.
- 2704 ISSUANCE OF SPECIAL LICENSE TAGS OR PARKING PERMIT**
- 2704.1 The Director shall issue to an owner of a motor vehicle who satisfies the requirements in § 2701.1(a), (b), (c), or (d) of, either a special license tag that displays the universal handicap symbol or a special parking permit as defined in § 2704.2.
- 2704.2 The Director shall issue to an individual who does not own a motor vehicle and who satisfies the requirements in § 2701.1, a special parking permit. The special

parking permit shall be displayed in the lower right hand portion of the windshield of the motor vehicle which is transporting the permit holder so that the special permit is clearly visible from outside the motor vehicle.

- 2704.3 Individuals issued special license tags or a special parking permits pursuant to this section may park in parking zones with restricted length of time parking identified on the signs or meters denoting such spaces, for a period not to exceed double the posted time limit, without cost. After the expiration of the double posted time limit, individuals issued such special tags or parking permits shall be subject to the same time limitation and payment requirements applicable to all other persons.
- 2704.4 This privilege shall not apply to those zones or during times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.
- 2704.5 As a condition to this privilege, the person with the disability shall be in the motor vehicle displaying special license tags or a special parking permit when that motor vehicle is driven into or out of the parking space.
- 2704.6 The special license tags shall be renewed at the time of registration; the special parking permit issued to a person qualifying under 2701.1(a) through (d) shall be renewed every five (5) years, except that the Director may issue a permit of greater duration, not to exceed six (6) years, so that the permit shall expire at the same time that the person's District driver's license or special identification card expires.
- 2704.7 (REPEALED)
- 2704.8 The issuance of the permit shall involve no fee over and above the annual fee required to maintain a driver's license and motor vehicle registration.
- 2704.9 Any permit issued to a person qualifying under §2701.1(e) shall be issued for the likely duration of the disability, as determined by the Director.

2705 LOSS OR THEFT OF SPECIAL LICENSE TAGS OR PERMIT

- 2705.1 Loss or theft of the permit or tags shall be reported to the Director and to the police precinct in which the loss or theft occurred. The disabled individual shall give similar notice if the permit is recovered.
- 2705.2 After each report of a lost or stolen tag or permit as provided in § 2705.1, a person may apply for a duplicate tag or permit, up to two (2) times in a one (1) year period.

2706 SURRENDER OF SPECIAL LICENSE TAGS OR PERMIT

- 2706.1 Whenever the special license tags or special parking permit issued pursuant to this chapter is no longer needed by the applicant, or the applicant is no longer eligible for the privileges under this chapter, the applicant or the applicant's representative shall, within ten (10) days, notify and surrender the tags or permit to the Director.

SOURCE: Final Rulemaking published at 37 DCR 5692, 5698 (August 31, 1990)

2707 ORGANIZATIONS TRANSPORTING DISABLED PERSONS

- 2707.1 An organization that regularly transports persons who meet one or more of the requirements in § 2701.1 may apply to the Director for special license tags or a special parking permit.
- 2707.2 The application shall include proof, as required by the Director, as to the nature and activities of the organization.
- 2707.3 A vehicle displaying special license tags issued pursuant to § 2707.1 shall meet all District of Columbia vehicle registration eligibility requirements.
- 2707.4 Only one special parking permit may be issued for each vehicle used by the organization in the transport of persons as provided by § 2707.1.
- 2707.5 The following provisions shall also apply to organizations issued permits or tags pursuant to §§ 2704.2, 2704.3, 2704.4, 2704.5, 2704.6, 2704.8, 2705, 2706, and 2718.
- 2707.6 A vehicle displaying a special license tag or permit issued pursuant to this section may only utilize the special parking privileges provided for in this chapter in connection with the transport of disabled persons who meet one or more of the requirements in § 2701.1.
- 2707.7 The Director may modify this section by rulemaking.

2708-2709 [RESERVED]

2710 RESERVED PARKING SPACE

- 2710.1 The Director may reserve one (1) on-street parking space for any District resident who applies in writing for a reserved space and who:
- (a) Holds a valid license plate or permit for a person with a physical disability issued by the District pursuant to § 2701.1 (a) or (c);
 - (b) Is legally domiciled at a single-family residence in the District of Columbia that is her or his principal place of residence;
 - (c) Cannot avail herself or himself of any other form of transportation;

- (d) Has no readily available parking within a distance that is reasonably accessible for the resident as determined by rules promulgated pursuant to this chapter; and
- (e) Does not have off-street parking available in the form of a driveway, garage, or private parking space immediately adjacent to or on the premises of the single family dwelling where the physically disabled person resides.

2710.2 The reserved space shall be in front of the applicant's residence, if parking is permitted by law. If parking is not permitted by law, the Director may reserve a legal parking space as close as possible to the residence of the applicant, if the applicant satisfies the requirements of § 2710.1. The Director shall give due consideration to the concerns of adjacent property owners regarding the space to be reserved.

2710.3 No more than one (1) on-street parking space may be reserved pursuant to § 2710.1 for each single-family residence, even though more than one (1) qualified applicant may reside at the same residence.

2711 APPROVAL OR DENIAL OF RESERVED SPACE

2711.1 The Director shall decide to approve or deny an application for a reserved parking space for a person with a disability within sixty (60) days following submission of the application.

2711.2 The decision of the Director shall be in writing and mailed via first class, stating the reasons for the approval or denial of the application.

2711.3 Approval or denial of an application shall be published on a monthly basis in the District of Columbia Register, and in one newspaper of general circulation.

2711.4 If the application is approved or denied by the Director, the public notice and the decision shall inform the applicant or the residents of the block where the applicant resides that he or she may file an appeal with the Mayor's Committee on Persons With Disabilities, Disability Parking Review Committee ("Disability Committee").

2711.5 The decision and public notice shall further inform the applicant or resident of the street where the applicant resides that he or she may request a personal appearance before the Disability Committee.

2711.6 The Disability Committee may request that the applicant be seen by a Public Health Physician.

2712 DISABILITY PARKING REVIEW COMMITTEE

2712.1 The Disability Parking Review Committee shall consist of the following members:

- (a) A representative of the Mayor's Committee on Persons with Disabilities;
- (b) A representative of the Commission on Public Health;
- (c) A representative of the Transportation Systems Administration; and
- (d) Two (2) representatives of non-profit organizations representing individuals with disabilities.

2713 APPEALS

2713.1 Appeals filed under § 2711.4 shall meet the following requirements:

- (a) Be filed within forty-five (45) days after the decision denying or approving the application is mailed by the Director to the applicant; and
- (b) Consist of a written statement requesting review of the approval or denial of the consideration by the Disability Parking Review Committee.

2713.2 The Committee shall give great weight to any petition for approval or denial signed by a majority of the property owners on the block where the applicant resides.

2713.3 The Disability Parking Review Committee shall issue a decision regarding the appeal within forty-five (45) days after submission of the appeal. All decisions by the Disability Parking Review Committee shall be final.

2714 DESIGNATION OF RESERVED SPACE

2714.1 Upon approval of an application for a reserved space, the Director shall assign a space number and cause the posting of signs which shall denote the space. The sign shall contain the universal symbol for the disabled and the language, "Reserved, Parking by Special Permit No. ____, Only." A reserved space shall not exceed twenty feet (22 ft.) in length.

2715 DISPLAY OF PLACARD

2715.1 The Director shall issue to the successful applicant, a placard which shall be displayed upon the dashboard of the vehicle to be clearly visible from the outside whenever the vehicle is parked in the reserved space. The reserved space placard shall contain the following:

- (a) The space number which shall consist of the Ward and the sequential number;
- (b) The license tag number and state of issuance;
- (c) The name of the applicant; and
- (d) Expiration date.

2715.2 The reserved space placard shall be valid only when displayed on the vehicle displaying the special license tags or special parking permit, as indicated on the placard.

2715.3 A reserved space established pursuant to this chapter shall be for the exclusive use of the applicant. Any other use shall constitute a violation of § 2718.4.

2715.4 A reserved space placard shall be valid only for the reserved space indicated on the placard. Use in any other reserved space shall constitute a violation within the meaning of § 2718.4.

2716 RESERVED SPACE: RECERTIFICATION AND SURRENDER

2716.1 The Director shall recertify continued eligibility for a reserved parking space on a biannual basis and at any other time, in his or her discretion, recertification is warranted.

2716.2 It shall be the responsibility of the applicant, or the applicant's representative(s) to notify the Director within ten (10) days after the reserved space is no longer needed by the applicant, or the applicant is no longer eligible for the space.

2717 RECIPROCITY

2717.1 An individual who is not a resident of the District of Columbia shall meet the eligibility requirements of § 2701 prior to being granted the special parking privileges established pursuant to §2704.3.

2717.2 An individual who meets the requirements of § § 2710.1 and 2717.1 and who has qualified for reciprocity privileges pursuant to § 411 of this title, may be considered for a reserved parking space pursuant to this chapter. The applicant shall provide the Director with all information considered necessary for qualifying for the space, including, but not limited to, medical information required from all other applicants under this chapter.

2718 PENALTY

- 2718.1 The Director is authorized to revoke the special parking permit or special license tags of any individual found to be in violation of this chapter. Upon written notification of the revocation, the individual shall surrender the special permit or special license tags to the Director pursuant to the provisions of the District of Columbia Traffic Adjudication Act.
- 2718.2 Failure to surrender a revoked parking permit or special license tags shall constitute a violation of this chapter.
- 2718.3 Any person who willfully and falsely commits any of the following acts shall be considered in violation of this chapter:
- (a) Represents himself or herself or any other person as having the physical handicap necessary to qualify for a special parking permit or special license tags;
 - (b) Certifies another person as having the physical handicap necessary to qualify for a special parking permit or special license tags;
 - (c) Utilizes a special parking permit or special license tags not issued to that person to obtain the special parking privileges enumerated in this chapter; or
 - (d) Allows a non-disabled person to use his or her permit or tags for that purpose when the disabled individual is not in the motor vehicle when the vehicle is driven into or out of the parking space.
- 2718.4 Any person who violates any provision of this chapter for which a fine is not specified in § 2601.1 shall, upon determination of liability for the violation, be subject to a fine of two hundred fifty (\$ 250) dollars. The Mayor may increase the fines established in this subsection, and the fines for violations of this chapter provided for in § 2601.1, through the procedures set forth in section 105(a) (1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Code § 40-605 (a) (1)).